

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GREGORY BENNETT,

Plaintiff,

v.

ISIDRO BACA, *et al.*,

Defendants.

Case No. 3:20-cv-00083-MMD-CLB

ORDER

On February 6, 2020, Plaintiff Gregory Bennett, then a prisoner in custody of the Nevada Department of Corrections ("NDOC"), initiated this prisoner civil rights action under 42 U.S.C. § 1983 with an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1, 1-2.) On January 14, 2021, while the case was awaiting screening, Defendant filed a suggestion of death on the record. (ECF No. 5.)

Pursuant to Federal Rule of Civil Procedure 25(a)(1), "[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed." Fed. R. Civ. P. 25(a)(1). As such, if there is no motion for substitution within 90 days of the date of this order, the Court will dismiss the case.

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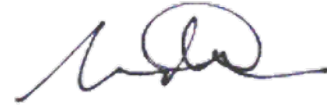
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1 In the meantime, the Court denies the pending motion to proceed *in forma pauperis*
2 (ECF No. 1) as moot with leave for the moving party to request reinstatement of their
3 motion within seven days from the Court's order granting any motion to substitute the
4 proper party.

5 DATED THIS 14th Day of January 2021.

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8 MIRANDA M. DU
9 CHIEF UNITED STATES DISTRICT JUDGE
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